

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

_____	)	
IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL NO. 1456
LITIGATION	)	Civil Action No. 01-12257-PBS
_____	)	
	)	Hon. Patti B. Saris
THIS DOCUMENT RELATES TO	)	
01-CV-12257-PBS AND 01-CV-339	)	
_____	)	

**THE JOHNSON & JOHNSON DEFENDANTS' AMENDED  
MOTION FOR SUMMARY JUDGMENT AS TO CLASS 1 AND CLASS 2**

Johnson & Johnson, Ortho Biotech Products, L.P., and Centocor, Inc., by their attorneys, respectfully move this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for Summary Judgment as to Class 1 and Class 2. The grounds for said motion are set forth in the accompanying Rule 56.1 Statement, the declarations of Andrew D. Schau, Thomas C. Hiriak, John Hoffman, and Jayson S. Dukes, and the exhibits thereto.

### REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1, Johnson & Johnson, Ortho Biotech Products, L.P., and Centocor, Inc., believing that oral argument may assist the Court in resolving the issues presented in this motion, respectfully request that oral argument be heard.

Dated: March 15, 2006

/s/ William F. Cavanaugh, Jr.

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William F. Cavanaugh, Jr.

Andrew D. Schau

Erik Haas

Adeel A. Mangi

Mark Young

Niraj Parekh

**PATTERSON BELKNAP WEBB & TYLER LLP**

1133 Avenue of the Americas

New York, New York 10036-6710

(212) 336-2000

*Attorneys for Johnson & Johnson, Ortho Biotech  
Products, L.P., and Centocor, Inc.*

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that I conferred with counsel for plaintiffs and was advised that plaintiffs do not consent to this motion.

/s/ Andrew D. Schau

Andrew D. Schau

**CERTIFICATE OF SERVICE**

I certify that on March 15, 2006 a true and correct copy of the foregoing was delivered via electronic service to all counsel of record pursuant to Case Management Order No. 2.

/s/ Andrew D. Schau

Andrew D. Schau